

Commonwealth of Virginia Private Security Services Advisory Board

October 8, 2002

Quarterly Meeting Minutes

Held at the Ramada Plaza Resort Oceanfront Hotel, Virginia Beach, Virginia.

At approximately 9:30 a.m. Chair Mary Kay Wakefield called the meeting to order for the Private Security Services Advisory Board (PSSAB).

Attendees:

Chair Mary Kay Wakefield, Vice Chair P. Robbie Robertson, Jr., Secretary Dennis A. VanDuzee, Deborah A. Aylward, Sean D. Creamer, Brent Fortner, Clyde Sparks, Robert Shuster, Kevin Hodges and R. Stephen Martin.

Absent:

Lt. Paul Midgett.

Opening remarks:

Chair Wakefield announced that on September 26, 2002 Mr. Kevin Hodges was appointed to the PSSAB as the Armored Car Representative. Ms. Wakefield welcomed everyone to the PSSAB meeting and conference. Ms. Wakefield thanked DCJS for their efforts in putting on the 2002 conference.

Approval of Minutes:

Minutes for the July 18, 2002, Private Security Services Advisory Board meeting were reviewed. A motion was made by Ms. Aylward and seconded by Mr. Robertson to approve the minutes. Minutes were unanimously approved.

Committee Reports:

I. Proprietary Security Committee:

Mr. Fortner reviewed and summarized (see below) the August 19, 2002 Proprietary Committee Meeting.

Comments by the group were very vocal. Questions were asked such as what was the number of incidents involving proprietary that would require regulation.

The proprietary members of the group felt that their training was far above the requirements that are required by DCJS. They felt that at one time weapons were an issue but this has been addressed by regulations. There was also a concern for the cost. Those present who represent the banking industry stated they were already regulated by the nature of their business. Nick Hayes from Westminster-Canterbury read a letter that sums it up.

Chairman Robertson called for a motion. Motion was made by Dale Gouldman that the Private Security Services Advisory Board not support HB 403 or any bill that would regulate proprietary security. Motion was seconded by Nick Haynes.

Chairman Robertson called for the vote. Ken Obriot, Dale Gouldman, Jeff Haykin, Brian Patterson, Guy Axtell, and Nick Hayes voted for the motion. Lynn Oliver voted against. Chairman Robbie Robertson and Vice Chairman Brent Fortner abstain.

Based on the vote, Chairman Robertson announced that the recommendation from the committee to the Private Security Services Advisory Board would be not support HB403 or any other bill that would regulate proprietary security.

A motion was made by Mr. Fortner to endorse the committee recommendation not to support HB-403 or any other bill that would regulate proprietary security and to dissolve the Proprietary Security Committee. Ms. Aylward seconded the motion. Unanimously approved.

II. Fees Committee:

Mr. Robertson submitted a report dated October 8, 2002 and reviewed the following:

The Private Security Services Advisory Board Fees Committee met on September 27, 2002. The committee would like to make the following recommendations:

Initial Business license: would remain at \$600.00.

Delete the following:

Initial business license (1-5 employees)	\$500.00
Initial business license (6-100 employees)	\$800.00
Initial business license (101 + employees)	\$1,000.00

Change business license renewal to read:

Business license renewal (1-10 employees)	\$400.00
Business license renewal (11 – 200 employees)	\$600.00
Business license renewal (201 + employees)	\$800.00

Change Compliance agent certification renewal from \$25.00 to \$50.00

Change Instructor certification renewal from \$75.00 to \$50.00

All other proposed fees were approved by the committee.

The Fees committee would like to make a motion that the Private Security Services Advisory Board endorses these proposed changes to the Draft Regulations.

There being no other business to be brought before this committee, the Fees committee would ask for a motion to dissolve the committee.

A motion was made by Mr. Robertson to endorse the recommendations of the Private Security Services Advisory Board Fees Committee dated October 8, 2002 in its entirety and dissolving the committee. Mr. Sparks seconded the motion. Unanimously approved.

III. Training Committee:

Mr. Martin reviewed (see below) the September 27, 2002 Training Committee meeting.

The following recommendations were passed.

Article 4. Private Security Services Training School Certification
6VAC20-171-80. Initial training school application.

Item B. #4: the words “and partnership” should be added after sole proprietor.

Any reference in the Draft Regulations to “forward a Certificate of Occupancy or other documentation from the local jurisdiction reflecting that the training school meets the Virginia Uniform Statewide Building Code” be deleted.

Any reference in the Draft Regulations to “and the local ordinances including but not limited to fire, health, safety and building occupancy limits and codes” be deleted.

Article 5. Private Security Services Instructor Certification
6VAC20-171-110. Renewal instructor application

Item B. #3: change to read “Each instructor shall instruct a minimum of three (3) classes within the twenty-four (24) months preceding renewal application.”

Item C: change (36) to (24) months.

Article 2. Private Security Services Training Schools
6VAC20-171-250. Administrative requirements

Item A. #2: add after assistant training directors “who meet the training director’s qualifications.”

Item A. #19. e: delete.

Item A. #22: change “ostensible licensee” to read “certified training school.”

6VAC20-171-260. Training school standards of conduct

Item A. #10: delete “staff”.

Item A. #18: DCJS needs to redefine.

Item A. #21 and #23: DCJS needs to expand in more detail.

Item A. #25: after Services add “if applicable.”

6VAC20-171-280. Private security services instructor.

Item A. #16: change “32 hours every two years” to “(3) sessions every (24) months”.

6VAC20-171-300. Private security training session.

Item B. #9 a: leave “three” instead of the proposed “four”

Item C. #1: delete “and alert”.

Item D. #11: delete

Part V. Compulsory Minimum Training Standards for Private Security Services Business Personnel

Article 1. Registration/Certification Category requirements

6VAC20-171-350. Entry level training.

Item B: change “30” to “180”.

Item C: Hour requirement. The committee recommends that the hours remain (16) for unarmed security officer and (24) hours for armed security officer/ courier. This area will be addressed in detail at our next meeting. We will take the JTA and look at it and make recommendations based on our study.

Article 2. Firearms Training Requirements

6VAC20-171-370. Entry level handgun training.

Item B. #4: add: “B-27 silhouette or Q target.”

Item B. #6: delete “on the firing line” and add “present”.

Item B. #9 a: change “other hits on silhouette—value 3 points:” to read “other hits on silhouette—value 0 points.”

Item B. #10: change to read: The low light range familiarization of individuals shall be scored as follows: B27/Q target: (5 points in the 7 ring. There will be no pass /fail.’

Item C: change the wording “weapon” to “firearm” here and anywhere under training as needed.

Item C: change the wording from “point shoulder position” to “weaver, modified weaver or isosceles” and make this change anywhere the term “point shoulder position” is used.

Item D: Low Light- this will be addressed in more detail at our next meeting. But the following recommended changes need to be made: Any reference to “flashlight” needs to be deleted. Delete Phase 3.

6VAC20-171-380. Entry level shotgun training

Item A: Shotgun classroom training. This will be addressed in our next meeting.

6VAC20-171-420 Advanced handgun retraining

Item A. #3: leave the word “including”.

The committee will ask for a motion that the Private Security Services Advisory Board endorse the proposed changes to the Draft Regulations.

Chairman Martin announced the next meeting would be Thursday Oct. 24, 2002 10:00. Meeting will be held at Richmond Security Services, Lynchburg, Virginia.

A motion was made by Larry Daniel and seconded by Jim Rowe to adjourn the meeting. Motion passed and the meeting was adjourned at approximately 1:45 p.m.

A motion was made by Mr. Martin to endorse the recommendation of the Training Committee Meeting Minutes of September 27, 2002 as it relates to recommendations to the draft regulations. Mr. Sparks seconded the motion. Unanimously approved.

IV. Legislative Committee:

Ms. Aylward reviewed three documents; Legislative Committee revised September 30, 2002, the revised Final 10/03/02 Legislative Committee Recommendation, and Counter Proposal by PIAVA dated 10/14/02.

I. Legislative Committee Revised September 30, 2002

The following are the Code Changes that the Legislative Committee of the Private Security Advisory Board request to be amended.

§ 9.1-138. Definitions.

"Certification" means a method of regulation indicating that qualified persons have met the minimum requirements as private security services training schools, private security services instructors, or compliance agents, ~~unarmed security officers, electronic security employees, or electronic security technician's assistants.~~

"Electronic security equipment" means electronic or mechanical alarm signaling devices, including burglar alarms or holdup alarms or cameras used to detect intrusion, concealment or theft, to safeguard and protect persons and property. ~~However, "Electronic security equipment"~~ This shall not include tags, labels, and other devices which are attached or affixed to items offered for sale, library books, and other protected articles as part of an electronic article surveillance and theft detection and deterrence system.

"Private security services registrant" means any qualified natural person who has met the requirements under this chapter to perform the duties of alarm respondent, armored car personnel, central station dispatcher, courier, electronic security sales representative, electronic security technician, electronic security technician's assistant, personal protection specialist, private investigator, security canine handler, unarmed security officer or armed security officer.

"Registration category" means any one of the following categories: (i) unarmed security officer and armed security officer/courier, (ii) security canine handler, (iii) armored car personnel, (iv) private investigator, (v) personal protection specialist, (vi) alarm respondent, (vii) central station dispatcher, (viii) electronic security sales representative, ~~or~~ (ix) electronic security technician or (x) electronic technician's assistant.

~~"Security officer" means any individual employed by a private security services business to (i) safeguard and protect persons and property or (ii) prevent theft, loss, or concealment of any tangible or intangible personal property on the premises contracted to protect.~~

"Armed security officer" means a ~~security officer~~ natural person employed to (i) safeguard and protect persons and property or (ii) prevent theft, loss, or concealment of any tangible or intangible personal property on the premises contracted to protect, and who carries or has ~~immediate~~ access to a firearm in the performance of his duties.

"Unarmed security officer" means a ~~security officer~~ natural person who performs the functions of observation, detection, reporting, or notification of appropriate authorities regarding persons or property on the premises contracted to protect, and who does not carry or have ~~immediate~~ access to a firearm in the performance of his duties.

§ 9.1-139. Licensing, certification, and registration required; qualifications; temporary licenses.

A. No person shall engage in the private security services business or solicit private security business in the Commonwealth without having obtained a license from the Department. No person shall be issued a private security services business license until a compliance agent is designated in writing on forms provided by the Department. The compliance agent shall ensure the compliance of the private security services business with this article and shall meet the qualifications and perform the duties required by the regulations adopted by the Board. A compliance agent shall have either a minimum of (i) three years of managerial ~~or supervisory~~ experience ~~in a~~

~~private security services business; with a federal, state or local law enforcement agency; or in a related field~~ or (ii) five years of experience in a private security services business; with a federal, state or local law-enforcement agency; or ~~in a related field~~ military experience.

C. No person shall be employed by a licensed private security services business in the Commonwealth as armored car personnel, courier, armed security officer, unarmed security officer, security canine handler, private investigator, personal protection specialist, alarm respondent, central station dispatcher, electronic security sales representative, electronic security technician's assistant, or electronic security technician without possessing a valid registration issued by the Department, except as provided in this article.

E. A temporary registration may be issued in accordance with Board regulations for the purpose of awaiting the results of the state and national fingerprint search. However, no person shall be issued a temporary registration until he has (i) complied with, or been exempted from the compulsory minimum training standards established by the Board, pursuant to subsection A of § [9.1-141](#), for armored car personnel, couriers, armed security officers, unarmed security officer, security canine handlers, private investigators, personal protection specialist, alarm respondents, central station dispatchers, electronic security sales representatives, electronic security technician's assistant, or electronic security technicians, (ii) submitted his fingerprints to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search, and (iii) met all other requirements of this article and Board regulations.

**II. LEGISLATIVE COMMITTEE ACTIVITY REPORT PRESENTED
TO THE PRIVATE SECURITY SERVICES ADVISORY BOARD
October 8, 2002
(Revised Final 10/03/02)**

Meetings of the Private Security Services Advisory Board Legislative Committee were held on August 19 and September 23, 2002. The committee received and reviewed proposals submitted by interested parties and made the following recommendations:

I. DCJS proposed amendments to § 9.1-138. Definitions.

Certification: Eliminates unarmed security officers, electronic security employees or electronic security technician's assistants

Electronic security equipment; Adds: to safeguard and protect persons and property

Private Security Services Registrant: Adds electronic security technician's assistant, unarmed security officer to the definition.

Registration Category: Adds unarmed security officer and electronic technician's assistant to the definition

Security Officer: Eliminates definition

Armed Security Officer means a ~~security officer~~ natural person employed to (i) safeguard and protect persons and property or (ii) prevent theft, loss, or concealment of any tangible or intangible personal property on the premises contracted to protect, and who carries or has immediate access to a firearm in the performance of his duties.

Unarmed security officer means a ~~security officer~~ natural person who performs the functions of observation, detection, reporting, or notification of appropriate authorities regarding persons or property on the premises contracted to protect, and who does not carry or have immediate access to a firearm in the performance of his duties.

§ 9.1-139. Licensing, certification, and registration required; qualifications; temporary licenses.

Compliance Agent: Amend to: three years general managerial experience

Eliminates: supervisory; in a private security services business, with federal state or local law enforcement agency or in a related field.

- A. A compliance agent shall have either a minimum of (i) three years of managerial ~~or~~
~~supervisory experience in a private security services~~

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~~business; with a federal, state or local law enforcement agency; or in a related field or (ii)~~

- B. five years of experience in a private security services business; with a federal, state or
local law-enforcement agency; ~~or in a related field~~ military experience.

C. Adds: Unarmed Security Officer, electronic security technician's assistant

E. Adds: Unarmed Security Officer and electronic security technician's assistant

II. The following changes to the definitions of Armed and Unarmed Security Officers are recommended:

Code of Virginia, Section 9.1-138, Definitions.

a. "Armed Security Officer" means a ***natural person employed to (i) safeguard and protect persons and property or (ii) prevent theft, loss, or concealment of any tangible or intangible personal property on the premises contracted to protect, and*** who carries or has immediate access to a firearm in the performance of his duties.

Note: This represents addition to ASO def - addition taken from current SO definition.)
Should the word *personal* which modifies property be deleted? - this should cover not only personal property but also business property?

b. Delete definition of "Security Officer".

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c. "Unarmed Security Officer" means a ***natural person who performs the functions of observation, detection, reporting, or notification of appropriate authorities regarding persons or property on the premises contracted to protect,*** and who does not carry or have immediate access to a firearm in the performance of his duties.

(This represents addition to include functions of the USO at a reasonable standard of care.)

III. Possible adverse legislation

- a. Accident Reconstruction Specialists Exemption. *(Ms. Aylward explains further that it is recommended to monitor and not to support accident reconstruction specialist exemption).*
- b. Private Investigator Access to Court Records. *(Ms. Aylward explains it is recommended to monitor the HJR-89 - The Protection of information contained in the records, document and cases filed in the courts of the Commonwealth and support the continued access to court record. Meeting for HJR –89 meeting is scheduled for October 22, 2002.)*

IV. Definition Review Sub-Committee

DCJS submitted comments that were received during public comment on the regulation review. These recommendations would require a code change and a Definition Sub Committee was formed to study these issues. Bill Robins agreed to Chair the committee and it was agreed we would take a year to study the definitions and make any recommendations.

DRAFT RESOLUTION

The Private Security Services Advisory Board appointed a Legislative Committee to receive, review and make recommendations regarding legislative proposals submitted by interested parties; and

The legislative proposals relate to regulation of private security services businesses and, if enacted, would effect public policy, and

The committee solicited, received and reviewed comments from interested parties that were subsequently drafted in the form of a Legislative Committee Report; and

The Legislative Committee Report was communicated to interested parties by public notice; and

Resolved that the Private Security Services Advisory Board adopts the Legislative Committee recommendations.

A motion was made by Ms. Aylward to accept the Final 10/03/02 Legislative Committee Recommendation as presented. Mr. Sparks seconded the motion. Unanimously approved

Mr. Fortner made a sub motion to amend the word in the definition "Armed security officer" (ii) take out the word "prevent" and replace it with the word "deter". Mr. Robertson seconded the motion. Unanimously approved.

Mr. Robertson made a sub motion to strike the word “immediate” from both definitions for “Armed Security Officer” and “Unarmed Security Officer”. Mr. Fortner seconded the motion. Unanimously approved.

Ms. Aylward reviewed the following Counter-Proposal from PIAVA (see below).

III. COUNTER-PROPOSAL BY PIAVA (Revised 10/04/02)

PROPOSED BY DCJS

§ 9.1-139. Licensing, certification, and registration required; qualifications; temporary licenses.

No person shall engage in the private security services business or solicit private security business in the Commonwealth without having obtained a license from the Department. No person shall be issued a private security services business license until a compliance agent is designated in writing on forms provided by the Department. The compliance agent shall ensure the compliance of the private security services business with this article and shall meet the qualifications and perform the duties required by the regulations adopted by the Board.

A compliance agent shall have either a minimum of (i) three years of managerial or supervisory experience in a private security services business; with a federal, state or local law enforcement agency; or in a related field or (ii) five years of experience in a private security services business; with a federal, state or local law-enforcement agency; or in a related field military experience.

Which reads:

A compliance agent shall have either a minimum of (i) three years of managerial experience or (ii) five years of experience in a private security services business; with a federal, state or local law-enforcement agency; or military experience.

COUNTER-PROPOSAL BY PIAVA

§ 9.1-139. Licensing, certification, and registration required; qualifications; temporary licenses.

No person shall engage in the private security services business or solicit private security business in the Commonwealth without having obtained a license from the Department. The Department shall issue no person a private security services business license until a compliance agent is designated in writing on forms provided. The compliance agent shall ensure the compliance of the private security services business with this article and shall meet the qualifications and perform the duties required by the regulations adopted by the Board.

A compliance agent shall have either a minimum of (i) three years of managerial experience in a private security services business with a federal, state, local or military law-enforcement agency

or (ii) three years of general managerial experience. General managerial experience shall not qualify for purposes of acquiring a Private Security Services Business license.

Ms. Aylward made a motion to accept the Counter-Proposal by PIAVA (Revised 10/04/02). There was no second to the motion.

Ms. Aylward made a motion to have the Legislative Committee review the Counter-Proposal by PIAVA (Revised 10/04/02). Mr. Creamer seconded the motion. Unanimously approved.

A motion was made by Ms. Aylward that: The Private Security Services Advisory Board appointed a Legislative Committee to receive, review and make recommendations regarding legislative proposals submitted by interested parties; and

The legislative proposals relate to regulation of private security services businesses and, if enacted, would effect public policy, and

The committee solicited, received and reviewed comments from interested parties that were subsequently drafted in the form of a Legislative Committee Report; and

The Legislative Committee Report was communicated to interested parties by public notice; and

Resolved that the Private Security Services Advisory Board adopts the Legislative Committee recommendations dated 10/03/02 as amended. Mr. Sparks seconded the motion. Unanimously approved.

During public comment as it relates to the Legislative Committee, Mr. Griffin (or Griffith) stated that the resolution was out of order.

A motion was made by Mr. Fortner to close the PSSAB discussion on the legislative committee report. Mr. Robertson seconded the motion. Unanimously approved.

* Let the record reflect that the motion of accepting the resolution was made again with the same results as stated previously.

Unfinished Business:

None.

DCJS Report:

None.

New Business:

Next PSSAB meeting

Ms. Wakefield stated that the next meeting would be held at the following dates and locations:

December 3, 2002 Richmond, Virginia
March 25, 2003 Lynchburg, Virginia
July 15, 2003 Winchester, Virginia

A motion was made by Mr. Robertson to accept the PSSAB meeting dates as December 3, 2002 Richmond, Virginia; March 25, 2003 Lynchburg, Virginia; and July 15, 2003 Winchester, Virginia. Mr. Fortner seconded the motion. Unanimously approved.

Ms. Wakefield recognized Ms. Joyce Monaghan, Mr. John Seay, Mr. Lynn Herring and Mr. Steve Masterson for serving on the PSSAB. Ms. Wakefield showed the public a plaque that will be given to them as an appreciation from the PSSAB.

Mr. Martin presented the Harold L. McCann Memorial Award to Emil Wengel.

Public Comment:

One individual signed the public comment list but declined to speak.

Announcements:

None.

Adjournment:

With no further business, Ms Aylward made a motion to adjourn and seconded by Mr. Robertson. Unanimously approved.

Public Attendees:

There were 121 attendees who signed the sign in sheet.